

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REGIS INSURANCE COMPANY,

Plaintiff,

vs.

A.M. BEST COMPANY, INC.,

Defendant.

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C.A. No. 10-3171

JURY TRIAL DEMANDED

JOINT RULE 26(f) REPORT AND DISCOVERY PLAN

In accordance with Federal Rule of Civil Procedure 26(f) and Local Rule 16.1, the parties conferred on September 10, 2010, and submit this joint conference report and discovery plan.

1. Initial disclosures under Rule 26(a) are to be exchanged on September 24, 2010 as specified by the Rule. Initial production of documents disclosed in the Rule 26(a) disclosure will be made upon agreement concerning the terms of a stipulation of confidentiality. The parties will endeavor to complete such production by October 15, 2010.

2. Discovery is contemplated on issues relating to the defendant's rating of the plaintiff insurance company and on the plaintiff's resulting loss of business. The parties are aware of no jurisdictional defects. The parties have agreed to the following schedule:

a. Deadline for joinder of additional parties and amendment of pleadings is October 31, 2010.

- b. Fact discovery closes January 14, 2011.
- c. Plaintiff's expert reports due January 31, 2011.
- d. Defendant's expert reports due March 2, 2011.
- e. Plaintiff's rebuttal reports, if any, due March 16, 2011.
- f. Close of expert discovery is 30 days from the earlier of (i) service of plaintiff's rebuttal report(s) or (ii) plaintiff's notification that it will not provide rebuttal reports.
- g. Dispositive motions due May 2, 2011, to be briefed in accordance with the applicable rules.
- h. Pretrial memorandum due 30 days after decision on dispositive motions.
- i. Trial as soon thereafter as practicable within the Court's discretion.

3. The parties have discussed discovery of electronically stored information and do not anticipate any issues arising therefrom. The parties agree to cooperate in exchanging electronically stored information including, *inter alia*, agreeing on key words for searches of electronically stored information. Defendant has requested a confidentiality agreement from plaintiff with respect to the discovery of certain electronic (and non-electronic) materials and has submitted a proposed draft of such an agreement for plaintiff to review.

4. At this point the parties cannot determine whether issues of privilege will arise but recognize that discovery which might be sought could implicate the attorney-client privilege. In addition, a dispute may arise relating to New Jersey's Reporter's privilege. The parties have agreed that drafts of expert reports and communications

between the attorney and the expert witness that do not (i) relate to compensation for the expert's study or testimony, or (ii) identify facts or data that have been provided and that the expert considered in forming the opinions expressed in the report, or (iii) identify the assumptions that the attorney provided and that the expert relied on in forming the opinions expressed in the report, are not subject to discovery.

5. The parties do not anticipate any changes to the limitations on discovery imposed by the rules.

6. The parties have discussed settlement, but those discussions have not been productive to date.

Respectfully submitted,

/s/ Kathleen Milsark
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CERTIFICATE OF SERVICE

I, Kathleen Milsark, Esquire hereby certify that I have caused this document to be filed electronically on this day. It is available for reviewing and downloading from the ECF System, and will be served electronically on all counsel.

Date: September 24, 2010

/s/ Kathleen Milsark

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